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listed in signature blocks below*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANIBAL RODRIGUEZ, et al. individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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**GOOGLE LLC**

Case No. 3:20-CV-04688-RS

**JOINT REPORT RE EVIDENTIARY DISPUTES  
FOR AUGUST 21, 2025**

Judge: Hon. Richard Seeborg  
Trial Date: August 18, 2025  
Dept: 3, 17<sup>th</sup> Floor

**Witness: Jonathan Hochman**

<b>Demonstratives</b>	<b>Google's Objection</b>
Slides 20, 28, 29, 51	Misleading the Jury – FRE 403; Lacks Reliable Foundation, Unreliable Methodology - FRE 702/703.
<b>Plaintiffs' Position</b>	<b>Google's Position</b>
Plaintiffs removed the phrase “despite concerns raised by Google employees” from all relevant slides, so that issue is moot. Plaintiffs do not plan to offer any improper opinions or evidence regarding consumer expectations or Google’s intent. These demonstratives properly reflect a baseline for Dr. Hochman’s testimony regarding how the Google technology at issue was supposed to function and whether the Google technology actually functioned in this way. PX-2 and PX-3 have already been admitted into evidence and the testimony by Mr. Pichai was already played for the jury.	Slides 20, 28, 29, and 51 improperly opine on consumer expectations and Google’s intent, despite Dr. Hochman’s technical expertise. These opinions are outside the scope of Dr. Hochman’s expertise, are not disclosed in his expert report, and constitute opinions on ultimate questions of law in this action. In fact, Dr. Hochman disclaimed having such opinions at deposition. <i>See</i> Motion in Limine No. 16, Dkt. No. 628.

<b>Miraglia Transcript</b>	<b>Google's Objection</b>
<b>Plaintiffs' Position</b>	<b>Google's Position</b>
Plaintiffs intend to question Dr. Hochman solely about testimony by Mr. Miraglia that the Court has already allowed and that Dr. Hochman cited in his report as part of the materials he considered in forming his opinions. While Dr. Hochman’s testimony precedes Mr. Miraglia’s deposition being played, this evidence is admissible to that connection. <i>See</i> FRE 104.	Plaintiffs have disclosed Eric Miraglia’s transcript as an Exhibit that Mr. Hochman will rely on. A deposition transcript is not an exhibit and cannot constitute evidence. Fed. R. Evid. 1002 (requiring the original recording to prove the contents of same). Additionally, it will likely confuse the jury to question Dr. Hochman on video testimony that the jury has not yet heard. Lastly, because Plaintiffs are still in the process of finalizing their designations for Mr. Miraglia, Google cannot confirm that Dr. Hochman will be questioned about admissible testimony.

Dated: August 20, 2025

Dated: August 20, 2025

**BOIES SCHILLER FLEXNER LLP****COOLEY LLP**By: /s/ Mark C. MaoBy: /s/ Benedict Y. Hur

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*Counsel for Plaintiffs*

**ATTESTATION**

I, Mark C. Mao, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: August 20, 2025

By: /s/ Mark C. Mao